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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/696,722 10/24/00 TAYLOR

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SKJERVEN MORRILL MACPHERSON LLP  
25 METRO DRIVE  
SUITE 700  
SAN JOSE CA 95110

EXAMINER

NGUYEN, H

ART UNIT

PAPER NUMBER

2632

DATE MAILED:

07/06/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**09/696,722**

Applicant(s)  
**Sean Dominic Taylor**

Examiner  
**Hung Nguyen**

Art Unit  
**2632**



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1) ☒ Responsive to communication(s) filed on Oct 24, 2000

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

4) ☒ Claim(s) 1-23 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 1-23 is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some\* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) ☐ Notice of Informal Patent Application (PTO-152)

17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_

20) ☐ Other:

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1,8-14 & 16-21 are rejected under 35 U.S.C. 102(a) as being anticipated by Segal et al. (U.S. 6,124,810).

Regarding claim 1, Segal discloses an alert generating method [ figs.1-2 ] comprising:

- providing to a mobile unit information (206) that identifies conditions for an alert [ figs.3-4, col.9, lines 44-46 ];
- monitoring in the mobile unit position (108) a position of the mobile unit [ col.9, line 66 to col.10, line 5 ];
- alerting a designated location (102) when monitoring of the position of the position of mobile unit indicates the mobile units satisfies the conditions for the alert [ col.10, lines 10-27 ].

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Regarding claims 8-11, Segal discloses the alert generating method wherein the information includes a location that identifies the conditions of the mobile communication has arrived or departed from a planned or an unplanned stop by wireless signal [ fig.3, col.6, lines 14-33 and col.8, lines 8-19 and abstract ].

Regarding claims 12-13, Segal discloses the alert generating method further comprising a selected destination for the mobile unit and an operator of the mobile unit selects the selected destination [ col.4, lines 24-45 ].

Regarding claim 14, Segal discloses a delivery method comprising:

- creating a list of destination for delivery / load assignment [ col.4, lines 26-32 ];
- selecting a destination from the list as a next destination [ col.4, lines 26-47 ];
- monitoring distance [ col.4, lines 26-62 ];
- generating an alert [ col.10, lines 10-27 ].

Regarding claims 16-17, Segal discloses the mobile unit comprising:

- a location system / G.P.S. system (106) [ fig.1, col.4, lines 1-10 ];
- a wireless device [ col.4, lines 1-10 ];
- a control circuit (200,206) [ fig.2, col.3, lines 12-17 and col.10, lines 1-17 ].

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Regarding claim 19, Segal discloses the mobile unit wherein the wireless device is an attached data-capable cellular telephone [ col.3, lines 55-64 ].

Regarding claims 20-21, Segal discloses the mobile unit wherein the control circuit determines / calculates the current location of the mobile unit [ fig.3, col.6, lines 14-33 and col.8, lines 8-19 and abstract ].

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-5, 15 & 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Segal et al. (U.S. 6,124,810) in view of Mowery et al. (U.S. 5,983,198).

Regarding claims 2, 15 & 22, Segal discloses the alert generating method comprising sending a data signal from the mobile unit (108) to a service center (102) through a wireless

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communication G.P.S. system (106) when monitoring of the position of the position of mobile unit indicates the mobile units satisfies the conditions for the alert [ col.10, lines 10-27 ].

Segal fails to disclose the alert from the service center to the designated location in response to the signal from the mobile unit. However, Mowery teaches that alert (message) from a service center (114) to the designated location such as a customer's plant (126) in response to the signal from a mobile unit (120) in the form of the truck location and delivery information includes a wireless communication / G.P.S. system (122) for goods delivery schedule time [ fig.1, col.4, lines 17-32 and col.8, lines 24-29 ]. It would have been obvious to one having ordinary skill in the art to have the system of Segal as taught by Mowery for informing or alerting the customer the time for goods delivery at any location desired .

Regarding claims 3-5, Segal discloses an alert generating method [ figs.1-2 ] wherein the signal from the mobile unit via a wireless data system / comprises telephoning and e-mail to the designated location [ col.3, lines 55-64 ].

5. Claims 6-7,18 & 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Segal et al. (U.S. 6,124,810) in view of Mowery et al. (U.S. 5,983,198) further in view of Fan et al. (U.S. 5,959,577).

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Regarding claims 6-7, Both Segal and Mowery do not specifically disclose the alert generating method wherein providing that identifies the conditions for the alert, comprises downloading the information / destination list to a web site corresponding to the service center. However, Fan provides the concept of using the wireless data network (27) such as the web site Internet can be downloaded to the vehicle location service (3) or can be loaded directly from software storage media (32) for locating and traveling information includes a map database search system and a G.P.S. wireless communication system (8) [ fig.1, col.5, lines 53-61 col.6, lines 34-61 ]. It would have been obvious to one having ordinary skill in the art to use Fan's and Mowery's techniques in Segal invention for providing accurate delivery information to the mobile unit that track location, movement and destination of vehicle or individual .

Regarding claim 18, Fan discloses a wireless device is a wireless modem (146) [ fig.5, col.10, lines 6-8 ].

Regarding claim 23, Please see claim 6-7 .

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Ross (U.S. 5,444,444) apparatus and method of notifying a recipient of an unscheduled delivery.

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- Westerlage et al. (U.S. 5,987,377) method and apparatus for determining expected time of arrival.
- Sagers et al. (U.S. 5,442,805) location-based adaptive radio control.
- Kingdon et al. (U.S. 6,088,594) system and method for positioning a mobile terminal using a terminal based browser.
- Matta et al. (U.S. 5,808,565) G.P.S. triggered automatic annunciator for vehicles.
- Jones (U.S. 5,668,543) advance notification system.....calling report generator.
- Shirkey et al. (U.S. 5,554,982) wireless train proximity alert system.


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung T. Nguyen whose telephone number is (703) 308-6796. The examiner can normally be reached on Monday to Friday from 8:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery Hofsass, can be reached on (703)305-4717. The fax phone number for this Group is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Examiner: Hung T. Nguyen

Date: June 26, 2001

  
JEFFERY HOFSSASS  
SUPERVISORY PATENT EXAMINER  
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